HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION No. 8492 of 1997

DATED: 21-02-2007

Between:

M.V.Subba Rao

…Petitioner

and

The State of Andhra Pradesh, rep. by its
Secretary to the Government,
Education Department,
A.P.Secretariat, Hyderabad and others

…Respondents.

HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 8492 of 1997

ORAL ORDER:

The petitioner is aggrieved by the appointment of the 5th respondent as a Junior Lecturer in History in the 4th respondent-College and he seeks consideration of his case as a Junior Lecturer in History, in preference to the 5th respondent.

On 2-7-1984 the petitioner was appointed as a Librarian in the 4th respondent-College. The post of Librarian was admitted to Grant-in-aid in 1990; the petitioner's services as Librarian were also regularized and his probation was declared and approved.

While working as a Librarian, the petitioner acquired Post Graduate qualification in History. As the post of Junior Lecturer in History in the 4th respondent-College was vacant, the management without authority deputed the petitioner to teach History. This was in 1987. The petitioner, since 1987, continued to teach History and according to the counter-affidavit on behalf of the official respondents, he was also functioning as a Librarian. In July, 1996 the 5th respondent was appointed as a Junior Lecturer in History. Claiming preferential right to appointment as a Junior Lecturer in History over the 5th respondent, the writ petition is filed.

On behalf of the official respondents, the Joint Director of Intermediate Education filed a counter-affidavit stating that as the petitioner is drawing pay and allowances as a Librarian as per the Government scales, he is ineligible to have been appointed or deputed

to work as Junior Lecturer in History. According to the counter-affidavit, the management of the College, without informing the official respondent and the Commissioner or Director of Intermediate Education utilized his services as a Junior Lecturer in History. According to the counter-affidavit, the Rules do not permit or recognize the petitioner's appointment as a Junior Lecturer in History and as such he has no claim for regularization thereat. As the 4th respondent is a Girls Institution, the 5th respondent, a woman candidate was directly recruited as a Junior Lecturer in History and as no male below the age of 45 years could be appointed to a teaching post in Adults College. The petitioner, since his age is below 45 years, is ineligible to be appointed as a Junior Lecturer in History, is the contention in the counter-affidavit.

The petitioner does not rebut the assertions in the Counter. In the circumstances, there are no merits in the writ petition.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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GODA RAGHURAM, J

21-02-2007
GRR